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**IN THE HIGH COURT OF PUNJAB AND HARYANA AT
CHANDIGARH**

CRM-M-21627-2020
Date of decision : 02.03.2021

Jasvir Kaur

...Petitioner

Versus

State of Punjab

...Respondent

CORAM: HON'BLE MR. JUSTICE RAJ MOHAN SINGH

Present: Mr. Piyush Sharma, Advocate for the petitioner.

Mr. Ramandeep Sandhu, Sr. DAG, Punjab.

RAJ MOHAN SINGH, J. (ORAL)

The case has been taken up for hearing through
video conferencing.

Petitioner seeks grant of anticipatory bail in case
bearing FIR No.61 dated 10.07.2019 registered under
Sections 452, 323, 506, 148, 149 of the Indian Penal Code,
1860 (Section 302 IPC added later on) at Police Station Ghal
Khurd, District Ferozepur.

The petitioner is a lady. Initially, the FIR was registered for the offences under Sections 452, 323, 506, 148, 149 of the Indian Penal Code against Lovepreet Singh, Pippal Singh, Sukhwinder Singh, Jasvir Kaur (present petitioner) and Kiranjeet Singh, on the statement of Dalbir Singh-complainant.

As per the allegations, the petitioner was shown armed with *daang* at the spot but no overt act was attributed to the petitioner in the occurrence dated 09.07.2019.

According to the prosecution, Lovepreet Singh was armed with *gandasa*, Kiranjeet Singh was empty handed whereas Pippal Singh and Sukhwinder Singh were armed with *daang*. All the accused made forcible entry in the house of the complainant and thereafter Kiranjeet Singh caught father of the complainant namely Harbans Singh. Lovepreet Singh inflicted *gandasa* blow at the backside of the head of Harbans Singh, Pippal Singh inflicted the *daang* blow on the left hand and little finger of left hand of Harbans Singh. Harbans Singh (father of the complainant), made hue and cry. The complainant and his mother tried to save Harbans Singh from the clutches of the accused, then Sukhwinder Singh inflicted a *daang* blow on the left wrist and on right elbow of the complainant. Thereafter, all the assailants ran away from the

spot. Harbans Singh died on 11.07.2019 and offence under Section 302 IPC was added vide DDR No.11 dated 11.07.2019.

The factual position of the case is not in dispute. No specific overt act has been attributed to the petitioner except to show her presence at the spot alongwith *daang*.

Learned State Counsel on instructions from ASI Harpal Singh, submits that the warrants of arrest have been issued against the petitioner and the petitioner has not been declared as Proclaimed Offender so far.

Looking to the aforesaid circumstances, I am of the view that the petitioner has made out a case for the grant of anticipatory bail. The petition is allowed. Petitioner is directed to appear before the SHO/Investigating Officer to join investigation on 07.03.2021 and in the event of her arrest, she shall be released on anticipatory bail on her furnishing bail bonds to the satisfaction of SHO/Investigating Agency subject to the following conditions as envisaged under Section 438(2) Cr.P.C:-

- i) that the petitioner shall make herself available for interrogation before the Investigating Officer as and when required;

- ii) that the petitioner shall not, directly or indirectly, make any inducement, threat or promise to any person acquainted with the facts of the case so as to dissuade him/her from disclosing such facts to the Court or to any police officer;
- iii) that the petitioner shall not leave the country, without prior permission of the Court and shall surrender her passport, if any.

02.03.2021

Pawan

**(RAJ MOHAN SINGH)
JUDGE**

Whether speaking/reasoned:- Yes/No

Whether reportable:- Yes/No